

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
WILLIAM DANIELS,

Plaintiff,

-against-

NYC/DOC/VCBC WARDEN CARTER;  
NYC/DOC/VCBC CAPTAIN GUERRA; 3-AA  
HOUSING UNIT CAPTAIN; NYC/DOC/VCBC  
CAPTAIN JERMAINE SLACK INTAKE;  
NYC/DOC/VCBC INTAKE CAPTAIN CARLO  
CIQUEROS; SUPERVISING CAPTAIN;  
NYC/DOC/VCBC CAPTAIN HORTON,

Defendants.

ANALISA TORRES, District Judge:

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21 Civ. 8985 (AT) (SLC)

**ORDER**

On November 1, 2021, the Honorable Laura Taylor Swain severed the claims of all plaintiffs in *Michael J. Lee et al. v. Warden Carter et al.*, No. 21 Civ. 8629. ECF No. 1. Accordingly, Plaintiff William Daniels's claims were severed and a new civil action, the above-captioned case, was opened. On December 6, 2021, Plaintiff's case was assigned to the undersigned. Dkt. Entry 12/6/2021. On February 17, 2022, Plaintiff filed an amended complaint alleging claims under 42 U.S.C. § 1983. ECF No. 16. On March 7, 2022, Defendants filed a motion to dismiss the amended complaint. ECF No. 19. On March 10, 2022, the Court referred the motion to the Honorable Sarah L. Cave for a Report and Recommendation (the "R&R"). ECF No. 24.

On November 22, 2022, Judge Cave issued an R&R recommending that Defendants' motion be granted, and that Plaintiff's claims be dismissed with prejudice. ECF No. 28 at 22. Despite notification of the right to object to the R&R, no objections were filed, and the time to do so has passed. *See* Fed. R. Civ. P. 72(b)(2). Having received no objections to the R&R, the Court reviewed the R&R for clear error and found none. *Oquendo v. Colvin*, No. 12 Civ. 4527, 2014 WL 4160222, at \*2 (S.D.N.Y. Aug. 19, 2014).

The Court, therefore, ADOPTS the R&R in its entirety. Accordingly, Defendants' motion to dismiss is GRANTED. Plaintiffs' claims are DISMISSED with prejudice.

The Clerk of Court is directed to terminate the motion at ECF No. 19, mail a copy of this order to Plaintiff *pro se*, and close the case.

SO ORDERED.

Dated: December 28, 2022  
New York, New York



ANALISA TORRES  
United States District Judge